only for a very short period during his life the bulk of his estate.

I hold therefore that on all the evidence led in this case the presumption of genuineness of the signature on the will, Ex. A., cannot stand and that on the evidence led by the defendant and especially on that given by Dr. Yu Huan Tsan, that the signature Loh Ah Tong on the will was not made by him, and there is no evidence to show that it was authorised by him. It is not, I think, for the defendant to prove who made the signature or when or where, nor can it be deduced from the evidence. I am satisfied it is a forgery and on the whole evidence, not forgetting the demeanour of the plaintiff as a witness and that of defendant, I hold that the defendant has discharged the onus thrown on her and proved that the propounded will is a forgery.

The petition for probate will therefore be dismissed. Costs will be paid out of the estate.

Petition for Probate dismissed.

YAP POH HENG v. REX.

[App. Crim. Juris. (Murray-Aynsley, C.J.) March 8, 1949]

[Singapore — Magistrate's Appeal No. 210 of 1948]

Minor Offence Ordinance, s. 34(1) — Fraudulent possession of property — Onus on accused person.

In this case the learned Magistrate convicted the appellant on a charge under section 34(1) of the Minor Offences Ordinance and in his ground of judgment said: "the matter to be decided in this case is whether the explanation of the accused as to his possession of the bicycle was a reasonable and probable explanation and such that the Court was bound to accept his explanation".

Held, that this was considerably beyond what was required of an accused person under the section and therefore the conviction cannot stand.

MAGISTRATE'S APPEAL.

G. H. Poh for the appellant.

A. V. Winslow (D. P. P.) for the Crown.

Murray-Aynsley, C.J. : — In this case the appellant was convicted on a charge under section 34(1) of Cap. 24.

In his grounds of judgment the learned Magistrate said: "the matter to be decided in this case is whether the explanation of the accused as to his possession of the bicycle was a reasonable and probable explanation and such that the Court was bound to accept his explanation."

It appears to me that this goes considerably beyond what is required of a person accused under this section and, therefore, the conviction cannot stand, even if the circumstances were such as to require an explanation, which is doubtful.

The appeal is, therefore, allowed and the conviction quashed.

Appeal allowed.